

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re: THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, as representative of THE COMMONWEALTH OF PUERTO RICO <u>et</u> <u>al.</u> , Debtors. ¹	PROMESA Title III No. 17 BK 3283-LTS (Jointly Administered)
In re: THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, as representative of PUERTO RICO ELECTRIC POWER AUTHORITY, Debtors.	PROMESA Title III No. 17 BK 4780-LTS

MEDIATION TEAM’S NOTICE AND REQUEST FOR APPROVAL OF
THIRD EXTENSION OF TERMINATION DATE OF MEDIATION

PLEASE TAKE NOTICE that, on April 8, 2022, the Court entered an order (the “**Appointment Order**”)² appointing a Mediation Team comprised of the Honorable Shelley C.

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (“Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² Capitalized terms not otherwise defined herein have the meaning ascribed to them in the Appointment Order.

Chapman as lead mediator, the Honorable Robert D. Drain, and the Honorable Brendan L. Shannon (collectively, the “**Mediation Team**”) to facilitate confidential negotiations among the Mediation Parties (and any other Mediation Party added in the Mediation Team’s discretion) regarding the Mediation Topics (the “**Mediation**”). On the same date, the Court entered its Order Establishing the Terms and Conditions of Mediation (the “**Terms and Conditions Order**”).

PLEASE TAKE FURTHER NOTICE that Paragraph 3 of the Terms and Conditions Order provides, in pertinent part, that “[u]nless in the determination of the Mediation Team, a resolution has been reached in the Mediation before such time, the Mediation shall terminate on **June 1, 2022 at 11:59 p.m. (Atlantic Standard Time)** (the “**Termination Date**”); provided, that the Mediation Team may extend the Termination Date based on its assessment of the material progress of the Mediation but in no event shall extend the Termination Date beyond **July 1, 2022 at 11:59 p.m. (Atlantic Standard Time)** without this Court’s approval after notice of such proposed extension to parties in interest; provided, further that the Termination Date may be extended by the Mediation Team for purposes of its involvement in any secondary or drafting terms.”

PLEASE TAKE FURTHER NOTICE that on May 26, 2022, pursuant to Paragraph 3 of the Terms and Conditions Order, the Mediation Team filed a Notice of Extension of Termination Date of Mediation extending the Termination Date to July 1, 2022.

PLEASE TAKE FURTHER NOTICE that on June 23, 2022, pursuant to Paragraph 3 of the Terms and Conditions Order, the Mediation Team filed a Notice of Extension of Termination Date of Mediation seeking Court approval for extension of the Termination Date to August 1, 2022.

PLEASE TAKE FURTHER NOTICE that on June 29, 2022, the Court entered the Order Granting the Urgent Motion of the Financial Oversight and Management Board and the Request of the Mediation Team (the “June 29, 2022 Order”) which, *inter alia*, extended the

Termination Date for the Mediation to August 1, 2022. The June 29, 2022 Order also provided that the Termination Date may be further extended only upon the Court's approval after notice of such additional proposed extension to parties in interest.

PLEASE TAKE FURTHER NOTICE that, pursuant to Paragraph 3 of the Terms and Conditions Order and the June 29, 2022 Order, the Mediation Team has determined that it would be beneficial to the mediation process for the Mediation Team to continue facilitating negotiations among Mediation Parties and, therefore, requests that this Honorable Court (i) approve a third extension of the Termination Date to **August 15, 2022 at 11:59 p.m. (Atlantic Standard Time)** and (ii) grant the Mediation Team discretion to further extend the Termination Date based on its assessment of the material progress of the Mediation but in no event shall the Mediation Team extend the Termination Date beyond **September 9, 2022 at 11:59 p.m. (Atlantic Standard Time)** without this Court's approval after notice of such proposed extension to parties in interest; and (iii) grant the Mediation Team discretion to extend the Termination Date for purposes of its involvement in any secondary or drafting terms.

PLEASE TAKE FURTHER NOTICE that the Mediation Team reserves the right to seek further extensions of the Termination Date with approval of the Court after notice of such proposed extensions to interested parties, as permitted in Paragraph 3 of the Terms and Conditions Order and the June 29, 2022 Order.

PLEASE TAKE FURTHER NOTICE that interested parties may file an objection or other response to this Notice on or before **July 28, 2022 at 3:00 p.m. (Atlantic Standard Time)** and the Mediation Team may file a reply on or before **July 29, 2022 at 10:00 a.m. (Atlantic Standard Time)**.

Dated: July 27, 2022

/s/ Shelley C. Chapman
SHELLEY C. CHAPMAN
United States Bankruptcy Judge

/s/ Brendan L. Shannon
BRENDAN L. SHANNON
United States Bankruptcy Judge

/s/ Robert D. Drain
ROBERT D. DRAIN
United States Bankruptcy Judge

AND NOW, this ____ day of July, 2022, the Mediation Team's Notice and Request for Approval of Third Extension of Termination Date of Mediation is hereby APPROVED and the Termination Date is extended to **August 15, 2022 at 11:59 p.m. (Atlantic Standard Time)** and, provided further, that the Mediation Team, at its discretion and without further Court approval, may further extend the Termination Date based on its assessment of the material progress of the Mediation but in no event shall the Mediation Team extend the Termination Date beyond **September 9, 2022 at 11:59 p.m. (Atlantic Standard Time)** without this Court's approval after notice of such proposed extension to parties in interest; and provided, further, that the Termination Date may be extended by the Mediation Team in its discretion, without Court approval, for purposes of its involvement in any secondary or drafting terms .

HONORABLE LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE